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| EXAMINER | |
|---|---|
| MILLER, C | |
| ART UNIT | PAPER NUMBER |
| 2414 | 2 |

DATE MAILED: 11/14/97

**Please find below a communication from the EXAMINER in charge of this application.**

Commissioner of Patents

# Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 08/797,985 | Gerber |
| **Examiner** | **Group Art Unit** |
| Craig S. Miller | 2414 |

☒ Responsive to communication(s) filed on *Feb 12, 1997* .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) *1-17* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-17* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

**Application Papers**

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---*

1. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, claim 11 fails to depend from a previous presented claim and is therefore undefined. For examining purposes, claim 11 is assumed to depend from claim 10 although for reasons obvious upon the reading of claim 11, claim presentation order aside, the below presented art rejection would be equally valid should the claim order problem of claim 11 be corrected and it become properly dependent from claim 12.

2. The following is a quotation of 35 U.S.C. ' 103 which forms the basis for all obviousness rejections set forth in this Office action:

> *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*
>
> *Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.*

3. Claims 1-3, 8, 10-15 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Mehdipour et al. `390 in view of Kamata.

As to claims 1, 10-13 and 17, Mehdipour et al. `390 discloses the instant invention essentially as claimed with the exception that the theft prevention use of Mehdipour et al. `390 of col. 1 lines 45+ does not specify a theft indication trigger. Kamata discloses a toll system wherein a vehicle tag number and card number are associated in a toll collection computer system. If a mismatch between the associated data is detected (col. 2, lines 42+ and col. 3 lines 24+), a dishonesty counter-measure section is triggered ([23] of figure 2). The Examiner notes in col. 13 of the source code for Mehdipour et al. `390 in lines 370-377 an apparent search to match ticket entry and exit data, with a search failure appearing in line 377 to cause an indication of a problem to the operator and the ringing of the system bell in line 378. The Examiner deems such indication as the obvious intent of the theft feature of Mehdipour et al. `390,

even if it is decided that such is not the case, it would be obvious to One of ordinary skill in the art at the time the invention was made that the ONLY data available to the system of Mehdipour et al. `390 is tag number and ticket number, both of which are taught as being known at the entry and exit points. The only reasonable interpretation of Mehdipour et al. `390 is that tag and ticket data are cross referenced upon exit so as to provide the anti-theft feature of Mehdipour et al. `390 Furthermore, because the devices of Mehdipour et al. `390 and Kamata are of analogous systems, i.e. vehicle use cost control systems having two pieces of associated data, ticket and tag number for Mehdipour et al. `390 and tag number and IC Card number for Kamata, because Mehdipour et al. `390 discloses that a vehicle tag number and ticket number can be associated so as to provide theft detection, it would have been obvious to One of ordinary skill in the art at the time the invention was made to consider the mismatch of the associated data of Mehdipour et al. `390 as a theft condition so as to receive and implement the obvious benefits of same as taught by Mehdipour et al. `390 such as automated theft detection.

As to claims 2 and 14, because the correlation of the ticket number with the tag number is the only possible method of theft detection in Mehdipour et al. `390, and because as with valet parking tickets, possession of the ticket obviously avoids any theft control, and because it is not reasonable to expect the tag to be removed with the operator, it would by default be obvious to One of ordinary skill in the art at the time the invention was made to inform the driver to retain said ticket so as to be able to receive the theft detection benefits of Mehdipour et al. `390.

As to claims 3, 8 and 15, said claims include an automated ticket reading. Mehdipour et al. `390 discloses in col. 3 lines 6+, the use of an automated currency receiving machine. Because Mehdipour et al. `390 discloses the automation of vehicle exit, it would have been obvious to One of ordinary skill in the art at the time the invention was made to automate the only remaining step of reading the ticket number into memory because such automation of that which was manual is generally known, In re Venner, 120 USPQ 192 (CCPA 1958), In re Rundell, 18 CCPA 1290, 48 F.2d 958, 9 USPQ 220, and more particularly would implement the desire of reduced personnel cost and reduction of employee theft of Mehdipour et al. `390 as found in col. 1.

4. Claims 4-7, 9 and 16 are rejected under 35 U.S.C. § 103 as being unpatentable over Mehdipour et al. `390 in view of Kamata as applied to claims 1 and 13 above, and further in view of Mehdipour et al. `571.

As to claims 4, 6, 7, 9 and 16, Mehdipour et al. `571 discloses in col. 2, starting in line 19, the printing of, "...*license number of the vehicle, the time. of entry, and an identifying number.*" As claimed.

As to claim 5, said claim includes an automated ticket reading. Mehdipour et al. `390 discloses in col. 3 lines 6+, the use of an automated currency receiving machine. Because Mehdipour et al. `390 discloses the automation of vehicle exit, it would have been obvious to One of ordinary skill in the art at the time the invention was made to automate the only remaining step of reading the ticket number into memory because such automation of that which was manual is generally known, In re Venner, 120 USPQ 192 (CCPA 1958), In re Rundell, 18 CCPA 1290, 48 F.2d 958, 9 USPQ 220, and more particularly would implement the desire of reduced personnel cost and reduction of employee theft of Mehdipour et al. `390 as found in col. 1.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ruell discloses a license plate optical reader.
Kirkpatrick discloses an optical bar-code reader.
Edwards et al. discloses a vehicle storage and retrieval system.
Kuzmick et al. discloses a remote ID and speed detection system.
Deffontaines discloses a moving vehicle ID system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Steven Miller whose telephone number is (703) 305-9730. Art unit facsimile services are now available at (703) 305-9731.

The Examiner can normally be reached on Mondays-Friday from 07:30am-5:30pm EST Should repeated attempts to reach the Examiner be unsuccessful, the Examiner's Supervisor, Todd Voeltz may be reached at (703) 305-9714.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-3800.

Craig Steven Miller (ss)
08 November 1997

Eric W. Stamber
ERIC W. STAMBER
PATENT EXAMINER
ART UNIT 2414